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is, that it involves an outrage on public decency and morals, and creates a public scandal, by prostitution of a solemn ceremony which the law allows to be applied only to a legitimate union, to a marriage at best but colorable and fictitious, and which may be made, and too often is made, the means of the most cruel and wicked deception."

CRIMES—GRAND JURY—TIME FOR OBJECTING TO JURORS DISQUALIFIED.—A state statute required that a juror be a person "not charged with any crime," etc. The defendant, convicted of murder and sentenced to be hanged, moved to quash the indictment on the ground that one of the members of the grand jury which found it was disqualified, being charged at the time with the commission of a crime. *Held*, the indictment must be quashed. *State v. Butler* (La., 1922), 90 So. 395.

According to 1 CHITTY, CRIMINAL LAW, 307, "It is perfectly clear that all persons serving upon the grand jury must be good and lawful men; by which it is intended that they must be liege subjects of the King, and neither aliens, nor persons outlawed even in a civil action, attainted of any treason or felony, or convicted of any species of *crimen falsi*, as conspiracy or perjury, which may render them infamous." If one of the grand jurors presenting an indictment was disqualified the indictment was held void, provided that the objection was raised before trial. After trial objections could be made only when the disqualification could be proved by the records of the court trying the case. See 2 HAWKINS P. C., ch. 25, sec. 26, Stat. 11, Henry IV; *United States v. Gale*, 109 U. S. 65. At the present time statutes ordinarily prescribe the qualifications necessary for grand jury service. See Iowa, Compiled Code 1919, § 6989, § 9303; Michigan, Compiled Laws 1915, § 12190, § 15708. Not infrequently they also provide as to when and how objections to parties disqualified must be made. See Iowa, Compiled Code 1919, § 9301, § 9303; Alabama, Code 1907, § 7572; 1909, p. 315, § 23. In the absence of statute, various rules have been adopted. In general, the defendant must take advantage of the first opportunity to object to disqualified jurors, and this may be by challenge, or by plea in abatement, or by motion to quash. See 2 KERR, WHARTON'S CRIMINAL PROCEDURE (Ed. 10), § 1277, § 1278; 2 BISHOP'S NEW CRIMINAL PROCEDURE, § 876, § 763, § 884. The great majority of American courts hold that pleading to the merits waives objections to grand jurors disqualified. *United States v. Gale*, *supra*; *State v. Carver*, 49 Me. 588; *State v. McGee*, 36 La. Ann. 206. See also *State v. Bush*, 117 La. 463. In *United States v. Gale*, *supra*, the court pointed out that allowing objections to the indictment to be raised after trial because of the disqualification of members of the grand jury would be "trifling with justice, and would render criminal proceedings a farce." A few courts, however, have allowed such objections even after trial. *Doyle v. State*, 17 Ohio 222.

CRIMES—HOMICIDE—RIGHT TO KILL TO EJECT TRESPASSER.—A dispute arose between deceased and defendant on defendant's land and defendant killed deceased. Defendant excepted to the refusal of the court to give the